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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,661	04/07/2004	Paul A. Martin	SUN04-0234	8024
57960 7590 06/01/2007 SUN MICROSYSTEMS INC. C/O PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95618-7759			EXAMINER KIM, PAUL	
			ART UNIT 2161	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 2161

DETAILED ACTION

1. This Office action is responsive to the following communication: Amendment filed on 6 March 2007.
2. Claims 1-42 are pending and present for examination. Claims 1, 15, and 29 are independent.

Response to Amendment

3. Claims 1, 15, and 29 have been amended.
4. No claims have been cancelled.
5. No claims have been added.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. **Claims 3-5, 9-10, 12, 17-19, 23-24, 31-33, and 37-38** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims as recited are indefinite for failing to particularly point out and distinctly claim the subject matter because they recite conditional if-statements. That is, wherein the if-statements are not satisfied, the claims fail to address said situations wherein the if-statements are not satisfied by presenting an alternative action. Furthermore, the Examiner differentiates the use of if-statements from the use of when-statements in that if-statements address situations that may never occur, while when statements address the conditional situations that are claimed to occur in the claimed invention.

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Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. **Claims 1-42** are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. As noted in the Office action dated 29 December 2006, the claims fail to recite the necessary steps for fully integration of the new node into the linked list. That is, while Applicant has amended the claims to further clarify "that the new node points to a node immediately following the existing node," the Examiner notes that the invention as claimed is inoperative since the claims fail to recite a step wherein the next pointer of the node previous to the existing node in the linked list is modified to point to the new node. Therefore, wherein said modification is not provided for, the new node fails to be fully integrated into the linked list such that the linked list is incomplete and broken. For the aforementioned reasons above, the disclosed invention is inoperative and therefore lacks utility. Therefore, since the claims invention is inoperative and lacks utility, the Examiner is unable to distinguish the scope of the claimed invention such that the application of art will be excluded from the current examination.

Response to Arguments

10. Applicant's arguments filed 6 March 2007 have been fully considered but they are not persuasive. While the Examiner notes Applicants amended claim language as providing clarification and addressing some of the issues under 35 U.S.C. 101, Applicant is directed to the aforementioned reasons found in the above claim rejections under 35 U.S.C. 101 for the invention being inoperative and therefore lacking utility.

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Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SAM RIMELL
PRIMARY EXAMINER